

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Sheila Stephens,)	
)	
Plaintiff,)	Civil Action No. 6:15-3715-RMG
)	
vs.)	
)	
Carolyn W. Colvin, Acting Commissioner of Social Security,)	ORDER
)	
)	
Defendant.)	
)	
)	
_____)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation on October 17, 2016 recommending that the decision of the Commissioner be reversed and remanded because of an error by the Administrative Law Judge (ALJ) in describing the findings of an occupational therapist, Mr. John Zelenka. (Dkt. No. 20). The ALJ described the findings of Mr. Zalenka as "clearly" establishing the claimant "is capable of light work" and gave that finding "great weight." In fact, the findings of the occupational therapist actually demonstrated that the claimant was not capable of sitting, standing and walking for an eight hour workday. (*Id.* at 15-17). The Commissioner has filed a response to the Magistrate Judge's Report and Recommendation indicating that she will file no objections. (Dkt. No. 22). The Court has reviewed the Report and Recommendation and the record evidence and

finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter.

Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court,

REVERSES the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g),

and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
November 2, 2016